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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/633,139	08/04/2000	Yoshinori Ojima	000977	1363

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EXAMINER

LAM, THANH

ART UNIT	PAPER NUMBER
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2834

DATE MAILED: 03/19/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/633,139

Applicant(s)

Ojima et al.

Examiner

Thanh Lam

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Amndt. filed on 12/21/2001.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☒ The proposed drawing correction filed on Jul 6, 2001 is: a) ☒ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- *See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892) 18) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 19) ☐ Notice of Informal Patent Application (PTO-152)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 20) ☐ Other: _____

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DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
3. Claim 1 recites the limitation "a gas" in line 3. There is insufficient antecedent basis for this limitation in the claim. Regarding claims 2-9 are rejected as dependent claims.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-3 and 6-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Nagayama et al.

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Nagayama et al. disclose a gas transfer machine for transferring a gas including a corrosive gas, comprising: a pump rotor (2) mounted on a rotatable shaft (2a) for transferring a gas; and a reluctance-type motor (m) for rotating said rotatable shaft about its own axis directly coupled thereto, said pump rotor and said motor being disposed in a housing; wherein said motor comprises a rotor (5a) having a plurality of magnetic salient poles (fig. 5a) of a first material highly resistant to corrosion (synthetic resin col. 2, lines 18-20) and a stator (6) being covered by a second material highly resistant to corrosion (rubber col. 3, line 57)

Regarding claim 2, Nagayama et al. disclose said second material comprises a molded body (12) of synthetic resin having a surface positioned radially inwardly of an inner circumferential surface of said stator, said stator being embedded in said molded body of synthetic resin.

Regarding claim 3, Nagayama et al. disclose said second material comprises a can of synthetic resin or nonconductive material (rubber col. 3, line 57).

Regarding claim 6, Nagayama et al. disclose said second material highly resistant to corrosion comprises a molded body (12) of a synthetic resin.

Regarding claim 7, Nagayama et al. disclose said second material highly resistant to corrosion comprises a can of synthetic resin or nonconductive material.

Regarding claim 8, Nagayama et al. disclose said motor rotor has a plurality of permanent magnets disposed respectively in said magnetic salient poles.

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Regarding claim 9, Nagayama et al. disclose said gas transfer machine comprises a gas circulating device having a circulating fan.

Regarding claim 10, Nagayama et al. disclose said gas transfer machine comprises a vacuum pump.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

7. Claims 4-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nagayama et al. in view of Naito et al.

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Nagayama et al. disclose every aspect of the claimed invention except for the first material comprises a magnetic alloy of iron and nickel.

Natio et al. disclose a material comprises a magnetic alloy of iron and nickel (col. 14, line 4)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have the first material of Nagayama et al. including a magnetic alloy of iron and nickel as taught by Naito et al. the material use for the rotor magnet is well-known in the motor art.

Regarding claim 5, it is noted that Naito et al. disclose said first material comprises permalloy (col. 14, line 4).

Response to Arguments

8. Applicant's arguments filed 12/21/2001 respect to amended claims 1-5 and new claims 6-10 have been fully considered but they are not persuasive.

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after

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the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thanh Lam whose telephone number is (703) 308-7626. The fax phone number for this Group is (703) 305-3431.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0656.



Thanh Lam

Patent Examiner

Feb. 28, 2002



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